

SCHEDULE 2

Permitted development rights

PART 15

Power related development

Class A – gas transporters

Permitted development

A. Development by a gas transporter required for the purposes of its undertaking consisting of—

- (a) *the laying underground of mains, pipes or other apparatus;*
- (b) *the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus;*
- (c) *the construction in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965 (storage authorisation orders)(1), of boreholes, and the erection or construction in any such area of any plant or machinery required in connection with the construction of such boreholes;*
- (d) *the placing and storage on land of pipes and other apparatus to be included in a main or pipe which is being or is about to be laid or constructed in pursuance of planning permission granted or deemed to be granted under Part 3 of the Act (control over development);*
- (e) *the erection on operational land of the gas transporter of a building solely for the protection of plant or machinery;*
- (f) *any other development carried out in, on, over or under the operational land of the gas transporter.*

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) in the case of any Class A(b) development involving the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity, that installation would be carried out at or above ground level, or under a highway used by vehicular traffic;
- (b) in the case of any Class A(c) development—
 - (i) the borehole is shown in an order approved by the Secretary of State for the purpose of section 4(6) of the Gas Act 1965; or
 - (ii) any plant or machinery would exceed 6 metres in height;
- (c) in the case of any Class A(e) development, the building would exceed 15 metres in height; or
- (d) in the case of any Class A(f) development—

(1) 1965 c. 36; relevant amendments are made by section 67 of, and Schedule 7 to, the Gas Act 1986 (c. 44), Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), Schedule 4 to the Gas Act 1995 (c. 45) and Schedule 2 to the Planning Act 2008 (c. 29). See section 5(1) of the Gas Act 1965 for the meaning of storage area and protective area.

Status: This is the original version (as it was originally made).

- (i) it would consist of or include the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected;
- (ii) it would involve the installation of plant or machinery exceeding 15 metres in height, or capable without the carrying out of additional works of being extended to a height exceeding 15 metres; or
- (iii) it would consist of or include the replacement of any plant or machinery, by plant or machinery exceeding 15 metres in height or exceeding the height of the plant or machinery replaced, whichever is the greater.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) in the case of any Class A(a) development, not less than 8 weeks before the beginning of operations to lay a notifiable pipe-line, the gas transporter must give notice in writing to the local planning authority of its intention to carry out that development, identifying the land under which the pipe-line is to be laid;
- (b) in the case of any Class A(d) development, on completion of the laying or construction of the main or pipe, or at the expiry of a period of 9 months from the beginning of the development, whichever is the sooner, any pipes or other apparatus still stored on the land are removed and the land restored as soon as reasonably practicable to its condition before the development took place (or to any other condition which may be agreed with the local planning authority); and
- (c) in the case of any Class A(e) development, approval of the details of the design and external appearance of the building must be obtained, before the development is begun, from—
 - (i) in Greater London or a metropolitan county, the local planning authority,
 - (ii) in a National Park, outside a metropolitan county, the county planning authority,
 - (iii) in any other case, the district planning authority⁽²⁾.

Class B – electricity undertakings

Permitted development

B. *Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of—*

- (a) *the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;*
- (b) *the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;*
- (c) *the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;*
- (d) *the extension or alteration of buildings on operational land;*

(2) See section 1(1) of the Act, which was amended by section 31 of the Greater London Authority Act 2007 (c. 24); there are other amendments not relevant to this Order.

- (e) *the erection on operational land of the undertaking or a building solely for the protection of plant or machinery;*
- (f) *any other development carried out in, on, over or under the operational land of the undertaking.*

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) in the case of any Class B(a) development—
 - (i) it would consist of or include the installation or replacement of an electric line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines)⁽³⁾ applies; or
 - (ii) it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity;
- (b) in the case of any Class B(b) development—
 - (i) the development would take place in a National Park, an area of outstanding natural beauty, or a site of special scientific interest;
 - (ii) the height of any support would exceed 15 metres; or
 - (iii) the electronic communications line would exceed 1,000 metres in length;
- (c) in the case of any Class B(d) development—
 - (i) the height of the original building would be exceeded;
 - (ii) the cubic content of the original building would be exceeded by more than 25% or, in the case of any building on article 2(3) land, by more than 10%, or
 - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres or, in the case of any building on article 2(3) land, by more than 500 square metres;
- (d) in the case of any Class B(e) development, the building would exceed 15 metres in height, or
- (e) in the case of any Class B(f) development, it would consist of or include—
 - (i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
 - (ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) in the case of any Class B(a) development consisting of or including the replacement of an existing electric line, compliance with any conditions contained in a planning permission relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;
- (b) in the case of any Class B(a) development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of

(3) 1989 c. 29, was amended by Schedule 2 to the Planning Act 2008 (c. 29).

Status: This is the original version (as it was originally made).

the diversion or at the end of a period of 6 months from the completion of the installation (whichever is the sooner) the temporary electric line is removed and the land on which any operations have been carried out to install that line is restored as soon as reasonably practicable to its condition before the installation took place;

- (c) in the case of any Class B(c) development, on the completion of that development, or at the end of a period of 6 months from the beginning of that development (whichever is the sooner) any plant or machinery installed is removed and the land is restored as soon as reasonably practicable to its condition before the development took place; and
- (d) in the case of any Class B(e) development, approval of details of the design and external appearance of the buildings must be obtained, before development is begun, from—
 - (i) in Greater London or a metropolitan county, the local planning authority,
 - (ii) in a National Park, outside a metropolitan county, the county planning authority,
 - (iii) in any other case, the district planning authority.

Interpretation of Class B

B.3 For the purposes of Class B(a), “electric line” has the meaning given by section 64(1) of the Electricity Act 1989 (interpretation etc. of Part 1)(4).

B.4 For the purposes of Class B(b)—

“electrical plant” has the meaning given by section 64(1)(5) to that Act; and

“electronic communications line” means a line which forms part of an electronic communications apparatus, (and both line and electronic communications apparatus have the meaning given in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 (the electronic communications code)(6)).

B.5 For the purposes of Class B(d), (e) and (f), the land of the holder of a licence under section 6(1) of the Electricity Act 1989 (licensing of supply etc.)(7) is treated as operational land if it would be operational land within section 263 of the Act (meaning of “operational land”)(8) if such licence holders were statutory undertakers for the purpose of that section.

(4) 1989 c. 29.

(5) The definition of electrical plant was amended by Schedule 6 to the Utilities Act 2000 (c. 27).

(6) 1984 c. 12; the definition of electronic communications apparatus was inserted, and the definition of line substituted, by Schedule 3 to the Communications Act 2003 (c. 21).

(7) 1989 c. 29. Section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27); subsection (1) was amended by sections 136 and 145 of, and Schedule 23 to, the Energy Act 2004 (c. 20) and S.I. 2012/2400.

(8) Section 263 was amended by Schedule 19 to the Planning and Compensation Act 1991 (c. 34), Schedule 5 to the Transport Act 2000 (c. 38) and S.I. 2001/1149.